

RECEIVED
MAR 11 1999
FCC MAIL ROOM

No. of Copies rec'd _____
List A B C D E **EX PARTE OR LATE FILED**

ImpSat

2040 N. Dixie Highway
Wilton Manors, FL 33305
USA

tel (1-954) 779-7171
fax (1-954) 779-3766

**Before The
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)
)
Amendment of the Commission's Rule)
With regard to the 3650-3700 MHz) ET Docket No. 98-237
Government Transfer of Band)

Comments of ImpSat USA

ImpSat USA hereby comments on the Commission's proposal to allocate the 3650-3700 MHz band to the non-Government fixed services on a primary basis and to restrict or eliminate the international Fixed Satellite Service ("FSS") usage of this band. As part of the Notice, the commission also imposed an immediate freeze on any new applications or substantial modifications of Earth Station licenses proposing to operate in this band. ImpSat USA provides international communications networks and has substantial leased bandwidth within the extended C-band frequencies to allow for expansion. Thus, ImpSat USA objects to the Commission's proposal because it would be prevented from using this bandwidth to provide international Internet connections, private corporate networks for United States companies and the international point to point interconnection of telephony links for carriers to locations throughout the Latin America region.

ImpSat USA and the many customers we provide service for will be severely harmed if the Commission implements it proposal to restrict or eliminate FSS access to the 3650-3700 MHz band, because ImpSat USA will lose access to this bandwidth and the satellite providers can not re-configure their satellites to make up for this loss of this capacity.

ImpSat USA currently has contracts that will require the use of this contracted bandwidth in the 3650-3700 MHz band and has actively been marketing this bandwidth



to other potential customers. The connectivity provided by ImpSat USA provides important links in the Global Information Infrastructure. ImpSat USA provides Internet connections between the United States and Latin America, international corporate communications networks for United States based companies and telephony links for carriers. It would disserve the public interest to freeze the growth of these international links.

The Notice imposes an immediate freeze on new applications of Earth Stations operating in the 3650-3700 MHz band. The inability to use the 3650-3700 MHz band makes the capacity useless, and voids the ability of ImpSat USA to support existing and future contracts.

The Notice imposed the freeze without warning, and without making any provisions for alternative capacity. Although the proposed reallocation does not affect all of ImpSat USA's contracted bandwidth, it would severely constrain the growth of ImpSat USA and the ability to support and implement future international networks for many customers.

The freeze deprives ImpSat USA of the ability to make use of its contracted satellite bandwidth resources. In addition, by reducing the availability of international FSS, the Commission would be acting contrary to important policies by handicapping a significant component of the Global Information Infrastructure. Thus, the Commission should not adopt the Notice's proposal to severely restrict or eliminate the international satellite systems access to the extended C-band but rather should continue to confer co-primary status for FSS until the rulemaking has been completed and permits new Earth Stations to be licensed in the 3650-3700 MHz band.

In contrast to this current and very concrete usage of the spectrum for international FSS, the Notice fails to identify any particular need for the spectrum by terrestrial services. Nor is the spectrum identified as desired by proponents of Fixed



Wireless Access (FWA). The Notice recognizes the FWA proponents apparently prefer the 3400-3600 MHz band. The Notice does not identify any other fixed services for which alternative spectrum is not already available. The Notice also acknowledges that the 3650-3700 MHz band is ill suited for mobile services.

ImpSat USA is disturbed by the Notice's effective elimination of international FSS licensees for the 3650-3700 MHz band and the resultant inability to use its current contracted bandwidth. ImpSat USA does not have alternative capacity available and will suffer severe economic impact and could lose customers. In addition, the inability of ImpSat USA to establish contracted customer networks within this band will cause harm and possible severe economic impact for these customers.

In sum, because the Notice's proposal would effectively render the 3650 – 3700 MHz band unavailable for international FSS and would cause harm to all existing and future users as well as the satellite providers, ImpSat USA strongly opposes the Notice.